

REMARKS

Claims 1, 2, 4-6, and 8-11 are pending in this application.

Applicants have amended claims 1, 4-6, and 8-11. The changes to these claims made herein do not introduce any new matter.

Rejections Under 35 U.S.C. § 102

Applicants respectfully request reconsideration of the rejection of claims 1, 2, 4, 6, and 9-11 under 35 U.S.C. § 102(b) as being anticipated by *Suzuki* (U.S. Patent No. 5,313,277). As will be explained in more detail below, the *Suzuki* reference does not disclose each and every feature specified in independent claims 1 and 9-11, as amended herein.

In response to the Examiner's comments in the "Response to Arguments" section of the Final Office Action (see page 2), Applicants have amended each of independent claims 1 and 9-11 to recite positively that the image production record information includes subject distance information relating to a distance between the image producing device and the subject of the image data at the time of the production of the image data. As such, the *Suzuki* reference does not disclose each and every feature of claims 1 and 9-11 for at least the same reasons set forth in the Amendment mailed on October 29, 2007 (and received in the PTO on November 5, 2007).

Accordingly, claims 1 and 9-11, as amended herein, are patentable under 35 U.S.C. § 102(b) over *Suzuki*. Claims 2, 4, and 6, each of which ultimately depends from claim 1, are likewise patentable under 35 U.S.C. § 102(b) over *Suzuki* for at least the same reasons set forth above regarding claim 1.

Applicants respectfully request reconsideration of the rejection of claims 1, 2, 5, and 8-11 under 35 U.S.C. § 102(b) as being anticipated by *Hashimoto et al.* ("*Hashimoto*") (U.S. Patent No. US 6,249,317 B1). As will be explained in more detail below, the *Hashimoto*

reference does not disclose each and every feature specified in independent claims 1 and 9-11, as amended herein.

As noted above, Applicants have amended each of independent claims 1 and 9-11 to recite positively that the image production record information includes subject distance information relating to a distance between the image producing device and the subject of the image data at the time of the production of the image data. As such, the *Hashimoto* reference does not disclose each and every feature of claims 1 and 9-11 for at least the same reasons set forth in the Amendment mailed on October 29, 2007 (and received in the PTO on November 5, 2007).

Accordingly, for at least the foregoing reasons, claims 1 and 9-11, as amended herein, are patentable under 35 U.S.C. § 102(b) over *Hashimoto*. Claims 2, 5, and 8, each of which depends from claim 1, are likewise patentable under 35 U.S.C. § 102(b) over *Hashimoto* for at least the same reasons set forth above regarding claim 1.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 1, 2, 4-6, and 8-11, as amended herein, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 749-6902. If any additional fees are due in

Application No. 10/716,199
Amendment dated April 28, 2008
Response to Final Office Action mailed January 28, 2008
(Submitted with RCE)

connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP065).

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, L.L.P.

A handwritten signature in black ink, appearing to read "P. B. Martine", with a long horizontal stroke extending to the right.

Peter B. Martine
Reg. No. 32,043

710 Lakeway Drive, Suite 200
Sunnyvale, California 94085
Customer Number 25920